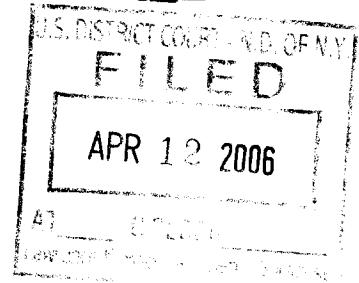


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**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA

v.

LEVOYA J. DIXON,

Defendant.

INDICTMENT

Criminal No. **5:06-CR-132**

(FJS)

**Violation: 18 U.S.C. § 1344 & § 2
(16 Counts)**

THE GRAND JURY CHARGES:

INTRODUCTION

From in or about the month of August, 2005 until in or about January, 2006, within the Northern District of New York and elsewhere the Defendant, **LEVOYA J. DIXON**, knowingly and willfully devised and intended to devise a scheme and artifice to defraud Empire Federal Credit Union (“EFCU”), a credit union whose accounts were then insured by the National Credit Union Share Insurance Fund, and to obtain money and funds owned by and under the custody and control of EFCU by means of false and fraudulent pretenses and representations.

THE SCHEME AND ARTIFICE

It was part of the scheme to defraud the Empire Federal Credit Union that the Defendant, **LEVOYA J. DIXON**, and others opened accounts at EFCU in Syracuse, New York, usually with nominal deposits. In each case they obtained an automated teller machine (“ATM”) card which allowed access to their accounts, via an ATM, on a 24-hour per day basis.

It was further part of the scheme to defraud EFCU that **LEVOYA J. DIXON** and others purported to make deposits in specified amounts through the ATM machine envelope deposit vault, when in fact no funds were actually enclosed in the envelopes, knowing that EFCU provided immediate access to the false balances created by such deposit transactions.

On or about the dates listed below the Defendant,

LEVOYA J. DIXON,

and others executed and attempted to execute the above-described scheme to defraud EFCU by utilizing ATM cards and debit cards to make fraudulent deposits and subsequent withdrawals through ATMs, from the accounts listed below, the activity relating to each such account being a separate Count of this Indictment, knowing that the balances in those accounts were falsely inflated by the fraudulent deposits and that EFCU would suffer a loss as a result of the withdrawals.

COUNT	EFCU ACCOUNT NUMBER	DATES OF ACTIVITY	TOTAL WITHDRAWALS
1	973680	8/9/05 - 8/15/05	\$ 2,275.00
2	975420	8/24/05 - 9/5/05	\$ 7,432.94

COUNT	EFCU ACCOUNT NUMBER	DATES OF ACTIVITY	TOTAL WITHDRAWALS
3	975780	9/2/05 - 9/6/05	\$ 3,675.00
4	976050	8/29/05 - 9/6/05	\$ 3,622.00
5	976970	9/7/05 - 9/19/05	\$ 8,570.30
6	977690	9/13/05 - 9/19/05	\$ 2,876.50
7	977960	9/14/05 - 9/19/05	\$ 2,875.50
8	980400	10/5/05 - 10/16/05	\$ 9,266.03
9	981150	10/14/05 - 10/29/05	\$ 6,128.88
10	976980	9/7/05 - 9/19/05	\$ 5,800.50
11	981850	10/20/05 - 10/23/05	\$ 1,575.00
12	978970	9/23/05 - 10/8/05	\$ 2,987.97
13	695250	12/3/05 - 12/5/05	\$ 2,375.25
14	985480	11/28/05 - 12/12/05	\$ 2,375.00
15	986430	12/12/05 - 12/19/05	\$ 2,376.50
16	988180	1/3/06 - 1/9/06	\$ 2,376.50

In violation of Title 18, United States Code, Sections 1344 and 2.

Dated: April 12, 2006

A TRUE BILL,

David L. Johnson
FOREPERSON

GLENN T. SUDDABY
UNITED STATES ATTORNEY

By:

Richard R. Southwick

Richard R. Southwick
Assistant U.S. Attorney
Bar Roll #506265